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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,189	10/31/2000	David L. Gilmour	003386.P002X2	2756

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EXAMINER

NGUYEN, THANH T

ART UNIT PAPER NUMBER

2144

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/703,189

Applicant(s)

GILMOUR ET AL.

Examiner

Tammy T. Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/25/05</u> . | 6) <input type="checkbox"/> Other: _____  |

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER  
UNITED STATES PATENT AND TRADE  
WASHINGTON

*Detailed Office Action*

1. This action is in response to the amendment filed on April 25, 2005.
2. Claims 1-28 are pending.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz et al. (USPN 5,835,087 – Date of Patent: November 10, 1998, herein referred to as “Herz”).

5. As to claim 1, Herz teaches the invention as claimed, including a method of addressing a communication for transmission over a network, the method including; accessing a descriptive profile of a potential recipient of the communication (see col.4, line 4 to col.5, line 25, col.6, line 34-60); identifying the potential recipient as a suggested recipient of the communication based on an evaluation (see col.5, lines 7-20, and col.18, lines 17-36) of a correspondence between content of the communication and content of the descriptive profile of the potential recipient (see col.5, lines 5-67, and col.11, lines 5-51); and presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient, the suggested recipient being presented in conjunction with an indication of the correspondence between the content of the communication and the content of the descriptive profile of the potential recipient (see col.5, line 6 to col.6, line 60, col.74, line 74, lines 22-55, and col.75, line to col.76, line 51).

6. As to claim 2, Herz teaches the invention as claimed, wherein the indication of the correspondence includes an identification of a portion of the content of the communication that corresponds to the content of the descriptive profile of the potential recipient (see col.17, line 45

to col.18, line 14, and col.29, lines 5-41, the file contains an identifying description of the target object).

7. As to claim 3, Herz teaches the invention as claimed, wherein the communication comprises an electronic document, and the identification comprises identification of the portion of the content of the electronic document that corresponds to the content of the descriptive profile (see col.4, line 49 to col.5, line 67, and col.75, line 58 to col.76, line 51) (also see col.11, lines 1-67, portion content).

8. As to claim 4, Herz teaches the invention as claimed, wherein the identification of the portion of the content of the electronic document includes identifying textual terms within the electronic document (see col.10, lines 20-56) (also see col.11, lines 1-67, portion content).

9. As to claim 5, Herz teaches the invention as claimed, wherein the identification of the textual terms includes identifying the textual terms within the body of the electronic document (see col.10, lines 20-56) (also see col.74, lines 22-55).

10. As to claim 6, Herz teaches the invention as claimed, wherein the identification of the textual terms within the body of the electronic document includes visually differentiating textual terms which correspond to terms of the descriptive profile (see col.10, line 56 to col.11, line 65) (also see col.74, lines 22-55).

11. As to claim 7, Herz teaches the invention as claimed, responsive to sender identification of the suggested recipient, identifying a portion of the content of the communication corresponding to the content of the descriptive profile of the suggested recipient (see col.25, lines 5-65, col.63, line 15 to col.64, line 2) (also see col.11, lines 1-67, portion content).

12. As to claim 8, Herz teaches the invention as claimed, including accessing a plurality of descriptive profiles of a plurality of potential recipients of the communication, identifying a plurality of the potential recipients as suggested recipients, and presenting the plurality of suggested recipients to the sender, and responsive to sender identification of a portion of the content of the communication, identifying to the sender at least one of the plurality of potential recipients based on a correspondence between the sender-identified portion of the content of the communication and content of a descriptive profile for the at least one of the plurality of potential recipients (see col.5, line 6 to col.6, lines 33) (also see col.55, lines 1-29).

13. As to claim 9, Herz teaches the invention as claimed, wherein the sender identified portion of the content of the communication includes a plurality of terms of an electronic document (see col.12, line 48 to col.13, lines 23).

14. As to claim 10, Herz teaches the invention as claimed, including presenting an

indication of strength of the correspondence between the content of the communication and the content of the descriptive profile for the potential recipient (see col.18, line 37-67 and col.16, line 67 to col.17, line 15).

15. As to claim 11, Herz teaches the invention as claimed, including presenting a plurality of suggested recipients to the sender together with an indication for each of the plurality of suggested recipients of a strength of a correspondence between the content of the communication and a respective descriptive profile for each of the plurality of suggested recipients (see col.18, lines 37-67).

16. As to claim 12, Herz teaches the invention as claimed, including ranking the plurality of suggested recipients according to the respective strength of the correspondence between the content of the communication and the content of the respective descriptive profile for each of the plurality of the suggested recipients (see col.18, line 37 to col.9, line 30) (also see col.29, lines 1-40).

17. As to claim 13, Herz teaches the invention as claimed, including prompting the sender for filter criterion prior to accessing the descriptive profile, and applying the filter criterion in the identification of the potential recipient (see col.61, line 60 to col.62, line 33).

18. As to claim 14, Herz teaches the invention as claimed, including a system to address a

communication for transmission over a network, the system including: an access server to access a descriptive profile of a potential recipient of the communication (see col.26, lines 20-42, col.34, lines 21, to col.35, line 28) and to identify the potential recipient as a suggested recipient based on an evaluation of a (see col.5, lines 7-20, and col.18, lines 17-36) correspondence between content of the communication and content of the descriptive profile of the potential recipient (see col.5, lines 5-67, and col.11, lines 5-51); and a communications server to present the suggested recipient to a sender of the communication for selection as a confirmed recipient (see col.63, lines 1-37) and to indicate the correspondence between the content of the communication and the content of the descriptive profile of the potential recipient (see col.5, line 6 to col.6, line 60, col.74, line 74, lines 22-55, and col.75, line to col.76, line 51).

19. As to claim 15, Herz teaches the invention as claimed, wherein the communication server is further to identify a portion of the content of the communication that corresponds to the content of the descriptive profile of the potential recipient (see col.17, line 45 to col.18, line 14, and col.29, lines 5-41, the file contains an identifying description of the target object).

20. As to claim 16, Herz teaches the invention as claimed, wherein the communication comprises an electronic document, and the communications server is to identify the portion of the content of the electronic document that corresponds to the content of the descriptive profile (see col.4, line 49 to col.5, line 67, and col.75, line 58 to col.76, line 51) (also see col.11, lines 1-67, portion content).



21. As to claim 17, Herz teaches the invention as claimed, wherein the communications server is further to identify textual terms within the electronic document (see col.10, lines 20-56).

22. As to claim 18, Herz teaches the invention as claimed, wherein the communications server is further to identify the textual terms within the context of the electronic document (see col.10, lines 20-56).

23. As to claim 19, Herz teaches the invention as claimed, wherein the communication server is further to visually differentiate the textual terms within the body of the electronic document that correspond to terms of the descriptive profile (see col.10, line 56 to col.11, line 65) (also see col.74, lines 22-55).

24. As to claim 20, Herz teaches the invention as claimed, wherein the communications server, responsive to sender identification of the suggested recipient, is further to identify to the sender a portion of the content of the communication corresponding to the content of the descriptive profile of the suggested recipient identified by the sender (see col.25, lines 5-65, col.63, line 15 to col.64, line 2) (also see col.11, lines 1-67, portion content).

25. As to claim 21, Herz teaches the invention as claimed, wherein the access server is further to access a plurality of descriptive profiles of a plurality of potential recipients of the communication and to identify a plurality of the potential recipients as suggested recipients, and the communications server is further to present the plurality of suggested recipients to the sender,

and responsive to sender identification of a portion of the content of the communication, is to identify to the sender at least one of the plurality of potential recipients based on a correspondence between the sender-identified portion of the context of the communication and content of a descriptive profile for the at least one of the plurality of potential recipients (see col.5, line 6 to col.6, lines 33) (also see col.55, lines 1-29).

26. As to claim 22, Herz teaches the invention as claimed, wherein the sender-identified portion of the content of the communication includes a plurality of terms of an electronic document (see col.12, line 48 to col.13, lines 23).

27. As to claim 23, Herz teaches the invention as claimed, wherein the communications server is further to present an indication of a strength of the correspondence between the content of the communication and the content of the descriptive profile for the potential recipient (see col.18, line 37-67 and col.16, line 67 to col.17, line 15).

28. As to claim 24, Herz teaches the invention as claimed, wherein the communications server is to present a plurality of suggested recipients to the sender together with a and indication, for each of the plurality of suggested recipients of a strength of a correspondence between the content of the communication and a respective descriptive profile for each of the plurality of suggested recipients (see col.18, lines 37-67).

29. As to claim 25, Herz teaches the invention as claimed, wherein the communications

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server is further to rank the plurality of suggested recipients according to the respective strength of the correspondence between the content of the communication and the respective descriptive profile for each of the plurality of the suggested recipients (see col.18, line 37 to col.9, line 30) (also see col.29, lines 1-40).

30. As to claim 26, Herz teaches the invention as claimed, wherein the communications server is further to prompt the sender for a filter criterion prior to accessing the descriptive profile, and the access server is further to apply the filter criterion in the identification of the potential recipient (see col.61, line 60 to col.62, line 33).

31. As to claim 27, Herz teaches the invention as claimed, including a system for addressing a communication for transmission over a network, the system including: first means for accessing a descriptive profile of a potential recipient of the communication (see col.4, line 4 to col.5, line 25, col.6, line 34-60) and for identifying the potential recipient as a suggested recipient based on an evaluation of a (see col.5, lines 7-20, and col.18, lines 17-36) correspondence between content of the communication and content of the descriptive profile of the potential recipient (see col.5, lines 5-67, and col.11, lines 5-51); and second means for presenting the suggested recipient to a sender of the communication for selected as a confirmed recipient (see col.63, lines 1-37) and for indicating of the correspondence between the content of the communication and the content of the descriptive profile of the potential recipient (see col.5, line 6 to col.6, line 60, col.74, line 74, lines 22-55, and col.75, line to col.76, line 51).

32. As to claim 28, Herz teaches the invention as claimed, including a machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to execute a method to address a communication for transmission over a network, the method to include:: accessing a descriptive profile of a potential recipient of the communication (see col.4, line 4 to col.5, line 25, col.6, line 34-60); identifying the potential recipient as the suggested recipient based on an evaluation a (see col.5, lines 7-20, and col.18, lines 17-36) correspondence between content of the communication and content of the descriptive profile of the potential recipient (see col.5, lines 5-67, and col.11, lines 5-51); and presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient, the suggested recipient being presented in conjunction with an indication of the correspondence between the content of the communication and the content of the descriptive profile of the potential recipient (see col.5, line 6 to col.6, line 60, col.74, line 74, lines 22-55, and col.75, line to col.76, line 51).

### ***Response to Arguments***

33. Applicants argue that Herz does not teach presenting the suggested recipient to a sender of the communication for selection as a confirm recipient. In response to Applicant's argument, the Patent Office maintain the rejection because Hudetz teaches presenting the suggested recipient to a sender of the communication for selection as a confirm recipient as shown in col.63, lines 1-37. Herz clearly shows suggested recipient to a sender of the communication for selection as a confirm recipient.

34. Applicants argue that Herz does not teach other person is presented to a sender of

communication. In response to Applicant's argument, the Patent Office maintain the rejection because Herz teaches other person is presented to a sender of communication as shown in col.25, lines 5-48, and col.62, lines 45-50. Herz clearly shows other person is presented a sender of communication.

35. Applicants argue that Herz does not teach an evaluation of a correspondence between content of these profiles of potential customers. In response to Applicant's argument, the Patent Office maintain the rejection because Herz teaches an evaluation of a correspondence between content of these profiles of potential customers as shows in col.5, lines 7-20, and col.18, lines 17-36. Herz clearly shows an evaluation.

### ***Conclusion***


36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

37. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, David Wiley, may be reached at **(571) 272-3923**.

*TTN*  
July 20, 2005

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**